

Minutes of the special meeting and public hearing of the Winslow Board of Adjustment held on Monday, October 4, 2021 at 4:30 P.M. in the City Hall Conference Room, 21 Williamson Avenue, Winslow, Arizona.

MEMBERS PRESENT

Chairperson Pennington
Board Member Evans (telephonically)
Board Member Harrison
Board Member Leary (telephonically)

MEMBERS ABSENT

None

STAFF

John Barkley, City Manager
John Paladini, City Attorney (telephonically)
Suzy Wetzel, City Clerk
Marshall Larsen, City Inspector
Larrilynn Oso, Recording Secretary

Chairperson Pennington called the meeting to order at 4:35 p.m. The Pledge was given and the Invocation was offered by the City Inspector. Roll call was taken and all members were present.

Chairperson Pennington noted that the applicant Shawn Gray was joining the meeting telephonically and his contractor Timothy Durenzo was attending in-person.

DISCUSSION AND/OR ACTION TO APPROVE MINUTES OF THE JULY 26, 2021 SPECIAL MEETING & PUBLIC HEARING

Motion: Moved by Board Member Evans, seconded by Board Member Harrison, to approve the meeting minutes as presented. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison and Leary voting yes.

CALL TO THE PUBLIC

None.

COMMISSION CONSIDERATION AND ACTION

- A. Public Hearing and Discussion and/or Action on an Appeal filed by Mr. Shawn Gray for property located at 812 West Fleming, Winslow, AZ. 86047 and further described as APN 103-14-048C of the Zoning Administrator's Interpretation of the City's Municipal Code Requirements Title 17 Zoning, Chapter 17.88 Nonconforming buildings, Structure, Uses and Lots, Section 17.88.020 Restrictions, (A) & (D), and Chapter 17.32 R-2 Two-Family Residence District, Section 7.32.030 Property Development Standards for Permitted Principal Uses Related to Denial of a Permit for Conversion of a Detached Garage.**

Chairperson Pennington asked board members to present any preliminary questions before the proceedings began. As there were none, Chairperson Pennington invited Mr. Gray to address the board. Mr. Gray thanked the members of the board for the opportunity to speak regarding his request for appeal and discussed his decision to move to Winslow upon his retirement. Mr. Gray who is currently residing in Hawaii, also presented a brief overview of the 812 West Fleming property, and discussed his intentions to convert the detached garage located on the property into a personal living dwelling which is supported by neighboring individuals. Mr. Gray stated that in granting his appeal, there would be no prevalent parking restrictions or concerns affecting property values at his or any other person's location within the immediate area.

Mr. Gray specified that all conversion-related construction and changes would be contained internally within the structure and ensured that no other neighboring properties would be put into detriment by his request given his plan to convert the interior of the

structure. Mr. Gray referred to the July 26, 2021 minutes and discussion that took place at that meeting concerning precedence for denying another individual's variance request. In conclusion, Mr. Gray assured the board that should his appeal be granted, and his contractor is allowed to move forward with the conversion of the garage that it would not result in a precedence for other properties.

After Chairperson Pennington thanked Mr. Gray for his statement. The City Manager noted that this particular portion of the hearing was strictly in regards to the appeal of the administrative decision made by the City Inspector. The City Manager also reminded the Board that discussion regarding Mr. Gray's request for a variance would occur during Item B on the agenda. Board Member Evans referred to other structures to the west of Mr. Gray's garage and asked if either of those two structures would have any bearing on the garage in question. Chairperson Pennington stated that they do not have any effect on the existing garage structure.

Board Member Evans then made a motion to accept the appeal of zoning under the administrative interpretation in order to further discuss agenda item B.

Prior to the motion being seconded, the City Attorney clarified that it was not originally clear if an appeal or a variance was requested. Therefore, the hearing was created for one or the other in order to give the applicant the benefit of the doubt. The City Attorney further explained that if the board overturned staff's decision and granted the appeal of the interpretation of the code, then the variance portion of the hearing would not be required. Additionally, if the Board granted the appeal, it would indicate that the City Inspector's interpretation of the code was in error. The error would need to be cited along with findings and/or explanations that support the Board's decision. After further clarification was provided on the intent of the motion, Board Member Evans amended his motion as follows:

Motion: Moved by Board Member Evans, seconded by Board Member Leary, determining that the City Inspector's interpretation of the code as written is accurate, correct and applicable to this property. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison and Leary voting yes.

B. Public Hearing and Discussion and/or Action Regarding a Request for Variance filed by Mr. Shawn Gray for property located at 812 West Fleming, Winslow, AZ. 86047 and further described as APN 103-14-048C from the Strict Application of the City's Municipal Code Requirements in Title 17 Zoning, Chapter 17.88 Nonconforming buildings, Structure, Uses and Lots, Section 17.88.020 Restrictions, (A) & (D), and Chapter 17.32 R-2 Two-Family Residence District, Section 7.32.030 Property Development Standards for Permitted Principal Uses Related to Denial of a Permit for Conversion of a Detached Garage.

Chairperson Pennington requested that Mr. Gray to provide information regarding why he felt that special circumstances exist with regard to his variance request. Mr. Gray stated that given the presence of the pre-existing structure, he is unable to build a second structure with the proper 20-foot set-back within the same lot location. In response to a question from Chairperson Pennington, Mr. Gray also clarified that he was not required to remove the existing structure, however, at this time he is also not permitted to improve it. Chairperson Pennington noted that the Board must follow a narrow scope when granting variances. She also informed Mr. Gray that special privilege or consideration could not be granted strictly to one applicant and not another. Mr. Gray acknowledged this information and indicated that there was not enough room within the same lot to build another structure

with the proper set-back. Removing the existing structure and building a dwelling would not be cost-effective or efficient as it would be subject to approval via the same appeal process through the Board of Adjustment.

Referring to many similarly structured properties in the Winslow area, Chairperson Pennington stated that there was not a presence of special circumstances regarding Mr. Gray's request. Mr. Durenzo responded, noting that the planned internal conversion would not be eliminating value from the property or any other surrounding properties but would actually enhance the property much to the city's advantage. Chairperson Pennington discussed what would be deemed specific information towards granting special circumstance given the stringent guidelines that the Board must follow in relation to the City Code.

The City Attorney clarified the interpretation of the municipal Code in regards to topography, and what may affect the ability to develop or improve upon on the land. The City Attorney also provided an example regarding existing structures and special circumstance to further assist the Board in making a decision. The current structure in question is located approximately 5 feet. from the property line. The City Attorney asked Mr. Gray why the conversion of the garage would be considered unique rather than to use it as its originally intended purpose. Mr. Gray stated that he is unable to build a second structure as a dwelling that would contain the appropriate set-back next to the existing garage structure.

Chairperson Pennington asked those present if there were any further questions. Board Member Harrison requested clarification on the area and location of property and the structure which was provided by Chairperson Pennington.

In response to a question from Board Member Leary, the City Inspector indicated that if the garage structure had been originally built with the proper 20-foot set-back, construction approval would have been granted. The City Inspector also noted that at this time, there had not been a submission of blue prints or plans regarding the foundation of the structure for the proposed conversion. Mr. Durenzo indicated that from his observation as a contractor, the existing structure was in good condition for the conversion.

Following discussion regarding the information that had been provided regarding the variance request wherein Board Member Evans stated he felt comfortable with the information, the following motion was made:

Motion: Moved by Board Member Evans, seconded by Board Member Leary, to grant the variance for setback with proper permits and inspections to allow for the conversion of the existing garage structure to a studio/apartment dwelling for personal use. Motion passed with Board Members Evans, Leary and Harrison voting yes and Chairperson Pennington, voting no.

ADJOURNMENT

Motion: Moved by Board Member Evans, seconded by Board Member Harrison, to adjourn at 5:23 p.m. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, and Leary voting yes.

Chairperson Pennington

ATTEST:

Larrilynn Oso,
Recording Secretary